

AMENDED IN SENATE JULY 2, 2014  
AMENDED IN SENATE JUNE 11, 2014  
AMENDED IN ASSEMBLY MAY 12, 2014  
AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2610**

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**Introduced by Assembly ~~Member~~ *Members Williams and Gray***

February 21, 2014

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An act to amend Section 89708 of the Education Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

AB 2610, as amended, Williams. California State University: special sessions.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. Existing law requires that tuition fees adequate to meet the cost of maintaining special sessions, as defined, in the California State University be collected from students enrolled in each special session pursuant to rules and regulations prescribed by the trustees, and further provides that self-supporting special sessions shall not supplant regular course offerings available during the academic year, as specified.

This bill would ~~define~~ *explain the use of* the term “supplant” for those purposes. The bill would prohibit a campus from requiring a state-supported matriculated student to enroll in a special session course to fulfill graduation requirements. The bill would express various

legislative findings and declarations relating to self-supporting courses and programs. *The bill would authorize a campus to, with approval from the Office of the Chancellor, add a self-supporting section of a course in a state-supported undergraduate degree program, add a self-supported undergraduate degree program, or increase the number of self-supporting sections of an undergraduate course offering only if certain conditions are satisfied. The bill would require the chancellor to provide guidance to each campus on how to comply with the requirements of this bill. The bill would, commencing in the 2016–17 academic year, require the trustees to receive an annual report at a noticed public meeting on the status of undergraduate self-supported courses and programs, as specified. The bill would make conforming and technical changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) *The Legislature finds and declares all of the*
- 2     *following:*
- 3     (1) *In addition to providing state-supported courses and*
- 4     *programs, the campuses of the California State University offer*
- 5     *self-supporting courses and programs, known as special sessions.*
- 6     (2) *Special sessions are designed and used to provide increased*
- 7     *access to the educational resources of the system and to otherwise*
- 8     *facilitate the use of those resources.*
- 9     (3) *The campuses of the California State University are*
- 10    *prohibited from supplanting regular course offerings with*
- 11    *self-supporting special sessions. However, the State Auditor has*
- 12    *determined that existing state law does not define “supplant.”*
- 13    (b) *It is the intent of the Legislature to provide sufficient*
- 14    *direction to the Chancellor of the California State University and*
- 15    *to the campuses of the California State University by clarifying*
- 16    *this statutory language regarding the prohibition to “supplant.”*
- 17    (c) *It is the intent of the Legislature that the California State*
- 18    *University shall receive funding sufficient to provide core*
- 19    *curriculum through state-supported academic programs, that a*
- 20    *matriculated student of the California State University is entitled*
- 21    *to a postsecondary education within the bounds of a*
- 22    *state-supported tuition and fee structure, and that every campus*

1 *of the California State University is able to ensure that a student*  
2 *is not required to enroll in a special session program, section, or*  
3 *course in order to receive his or her postsecondary education in*  
4 *a timely manner.*

5 *SEC. 2. Section 89708 of the Education Code is amended to*  
6 *read:*

7 *89708. (a) Tuition fees adequate, in the long run, to meet the*  
8 *cost of maintaining special sessions in the California State*  
9 *University shall be required of, and collected from, students*  
10 *enrolled in each special session under and pursuant to rules and*  
11 *regulations prescribed by the trustees.*

12 ~~“Special~~

13 *(b) (1) “Special sessions,” as used in this division, means*  
14 *self-supporting instructional programs conducted by the California*  
15 *State University. The special sessions shall include, but not be*  
16 *limited to, career enrichment and retraining programs. It is the*  
17 *intent of the Legislature that those programs, currently offered on*  
18 *a self-supporting basis by the California State University during*  
19 *summer sessions, may be provided throughout the year, and shall*  
20 *be known as special sessions.* ~~The self-supporting~~

21 *(2) Self-supporting special sessions shall not supplant regular*  
22 *course offerings available on a non-self-supporting basis during*  
23 *the regular academic year. To the extent possible, each campus*  
24 *shall ensure that any course required as a condition of*  
25 *undergraduate degree completion for a state-supported*  
26 *matriculated undergraduate student shall be offered as a*  
27 *state-supported course. A campus shall not require a*  
28 *state-supported undergraduate matriculated student to enroll in*  
29 *a special session course in order to fulfill a graduation requirement*  
30 *for a state-supported degree program.*

31 *(3) In order to ensure that “supplanting” of regular session*  
32 *course or program offerings with self-supporting special session*  
33 *offerings does not occur, a special session offering shall satisfy*  
34 *the following requirements:*

35 *(A) Except as provided in subdivision (c), officials of a campus*  
36 *shall not reduce the number of state-supported undergraduate*  
37 *course offerings while increasing the number of self-supporting*  
38 *versions of that course.*

1     (B) A campus shall not offer special session programs at times  
2     or in locations on the campus that limit the number of regular  
3     course offerings that receive state funding.

4     (C) For a special session course or program leading to a degree,  
5     at least one of the following shall be satisfied:

6     (i) Appropriations from the General Fund to support the  
7     program are either unavailable or inappropriate.

8     (ii) The course or program is designed primarily for career  
9     enrichment or retraining.

10    (iii) The location of the course offering is significantly removed  
11    from permanent state-supported facilities in order to accommodate  
12    state-supported courses or programs.

13    (iv) For a new course or program only, the client group for the  
14    course or program receives educational or other services at a cost  
15    greater than could be reasonably provided with state funds of the  
16    California State University.

17    (v) Delivery is accomplished in an innovative or accelerated  
18    manner.

19    (vi) The course or program is developed in collaboration with  
20    employers or nonstate entities for purposes of meeting specialized  
21    workforce needs not satisfied by a state-supported course or  
22    program.

23    (c) With approval from the office of the chancellor, a campus  
24    may add a self-supporting section of a course in a state-supported  
25    undergraduate degree program, add a self-supported  
26    undergraduate degree program, or increase the number of  
27    self-supporting sections of an undergraduate course offering, only  
28    if all of the following conditions are satisfied:

29    (1) The campus has made the determination that state resources  
30    are inadequate to provide for additional state-supported sections.

31    (2) There is no corresponding reduction in the aggregate  
32    number of state-supported course offerings on that campus. This  
33    paragraph applies only to an academic year for which the annual  
34    Budget Act has not reduced the budget of the California State  
35    University from the prior year's funding level.

36    (3) The self-supporting section or sections comply with all  
37    applicable state laws and systemwide and campus policies.

38    (d) The chancellor shall provide guidance to each campus on  
39    how to comply with the requirements of this section.

1 (e) Commencing in the 2016–17 academic year, and each  
2 academic year thereafter, the trustees shall receive an annual  
3 report at a noticed public meeting on the status of undergraduate  
4 self-supported courses and programs. This report shall include  
5 all of the following information:

6 (1) Full-time equivalent student undergraduate enrollment in  
7 state-supported courses and programs in the academic year.

8 (2) Full-time equivalent student undergraduate enrollment in  
9 self-supported courses and programs in the academic year.

10 (3) The number of matriculated undergraduate state-supported  
11 full-time equivalent students enrolling in self-supported instruction  
12 during the academic year.

13 (4) The proportion of state-supported matriculated  
14 undergraduate students enrolling in self-supported instruction  
15 during the academic year.

16 SECTION 1. (a) The Legislature finds and declares all of the  
17 following:

18 (1) ~~In addition to providing state-supported courses and~~  
19 ~~programs, California State University campuses offer~~  
20 ~~self-supporting courses and programs, known as special sessions.~~

21 (2) ~~Special sessions are designed and used to provide increased~~  
22 ~~access to the educational resources of the system and to otherwise~~  
23 ~~facilitate the use of those resources.~~

24 (3) ~~California State University campuses are prohibited from~~  
25 ~~supplanting regular course offerings with self-supporting special~~  
26 ~~sessions. However, the State Auditor has determined that existing~~  
27 ~~state law does not define “supplant.”~~

28 (b) ~~It is the intent of the Legislature to provide sufficient~~  
29 ~~direction to the Chancellor of the California State University and~~  
30 ~~to campuses of the university by clarifying statutory language and~~  
31 ~~defining “supplant.”~~

32 SEC. 2. ~~Section 89708 of the Education Code is amended to~~  
33 ~~read:~~

34 89708. (a) ~~Tuition fees adequate, in the long run, to meet the~~  
35 ~~cost of maintaining special sessions in the California State~~  
36 ~~University shall be required of, and collected from, students~~  
37 ~~enrolled in each special session pursuant to rules and regulations~~  
38 ~~prescribed by the trustees.~~

39 (b) ~~“Special session,” as used in this division, means a~~  
40 ~~self-supporting instructional program conducted by the California~~

1 ~~State University. The special sessions shall include, but not be~~  
2 ~~limited to, career enrichment and retraining programs. It is the~~  
3 ~~intent of the Legislature that those programs, currently offered on~~  
4 ~~a self-supporting basis by the California State University during~~  
5 ~~summer sessions, may be provided throughout the year, and shall~~  
6 ~~be known as special sessions. The self-supporting special sessions~~  
7 ~~shall not supplant regular course offerings available on a~~  
8 ~~non-self-supporting basis during the regular academic year.~~

9 ~~(e) For purposes of this section, and except as provided in~~  
10 ~~subdivision (d), to “supplant” regular course offerings available~~  
11 ~~on a non-self-supporting basis means to eliminate entirely a~~  
12 ~~state-supported degree program and replace it with a~~  
13 ~~self-supporting instructional program. A campus shall not require~~  
14 ~~a state-supported matriculated student to enroll in a special session~~  
15 ~~course in order to fulfill graduation requirements for a~~  
16 ~~state-supported degree program.~~

17 ~~(d) After appropriate review and approval by the Office of the~~  
18 ~~Chancellor, a degree may be offered only through a self-supporting~~  
19 ~~instructional program if the program is shown to meet existing~~  
20 ~~student demand and workforce needs.~~